

PATENT COOPERATION TREATY

PCT/EP2004/012029

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

KUTZENBERGER, Helga
Kutzenberger & Wolff
Theodor-Heuss-Ring 23
50668 Köln
ALLEMAGNE

13. OKT. 2006

Kutzenberger & Wolff

Frist

Date of mailing (day/month/year)
05 October 2006 (05.10.2006)

Applicant's or agent's file reference
C10101PCT

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/012029

International filing date (day/month/year)
25 October 2004 (25.10.2004)

Applicant

CFS KEMPTEN GMBH et al

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Ellen Moyse

Facsimile No. +41 22 338 82 70

Facsimile No. +41 22 338 82 70

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference C10101PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/012029	International filing date (day/month/year) 25.10.2004	Priority date (day/month/year) 27.10.2003
International Patent Classification (IPC) or national classification and IPC B32B5/18, B65D65/40		
Applicant CFS KEMPTEN GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012029

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 3, 8-11 as originally filed/furnished
- pages* 2, 4-7 received by this Authority on 22.08.2005 with letter of 22.08.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-17 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012029

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims <u>1-17</u>	YES NO
Inventive step (IS)	Claims <u>1-17</u>	YES NO
Industrial applicability (IA)	Claims <u>1-17</u>	YES NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following document:

D1: EP 1 117 526 A (CONVENIENCE FOOD SYSTEMS B.V.; CFS GMBH KEMPTEN), 25 July 2001 (2001-07-25)

2. INDEPENDENT CLAIM 1

2(a)

2.1 The present application meets the requirements of PCT Article 33(1) because the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).

2.1.1 Document EP 1 117 526 A (D1) is regarded as the prior art closest to the subject matter of claim 1 and discloses (the references in parentheses are to that document):

a multilayered film comprising (a) a base layer made of a polyolefin foam; (b) a layer made of the same polyolefin as the foam layer (a); and (f) a layer of bonding agent, and if necessary further layers (claim 1).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012029

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2.1.2 The subject matter of claim 1 thus differs from the known disclosure of D1 in that

the base layer in D1 does not contain 0.5 to 25% by weight nucleating agent.

The effect of the finishing of the base layer with 0.5-25% by weight nucleating agent is that of providing improved mechanical properties, in particular in the making direction, and also of achieving shorter cycles during processing in FFS machines (see examples and comparative examples in the application).

A person skilled in the art would not be able to derive the claimed solution from the prior art without an inventive input, since the prior art does not contain any indication that the admixture of a nucleating agent would improve mechanical properties and permit cycles in a FFS machine to be shortened. The solution proposed in independent claim 1 can therefore also be considered inventive (PCT Article 33(3)).

2(b) Independent claims 13, 14 and 17

The subject matter of the formally independent claims 13, 14 and 17, which relates to the use of the material as per claim 1 and to a container containing the same, is also regarded as novel and inventive.